

REMARKS

The present Amendment amends claims 100-102, 108-112, 118-125, 160, 164-168, 235, 237 and 238, cancels claims 94-99, 103-107, 112-117, 126-159, 161-163, 169-234, 236 and 239-265, and adds new claims 266-326. Therefore, the present application has pending claims 100-102, 108-112, 118-125, 160, 164-168, 235, 237, 238 and 266-326.

The cancelation of claims 94-99, 103-107, 112-117, 126-159, 161-163, 169-234, 236 and 239-265 was not intended nor should it be considered as an agreement on Applicants' part that the features recited in said canceled claims are taught or suggested by the references of record. The cancellation of claims 94-99, 103-107, 112-117, 126-159, 161-163, 169-234, 236 and 239-265 was simply intended to expedite prosecution of the present application.

Upon review of the present amendment the Examiner is respectfully requested to contact the undersigned if the Examiner has any questions or require clarification to expedite matters.

In the office Action the Examiner objected to the information Disclosure Statement filed on December 9, 2008 as allegedly failing to comply with the requirements of 37 CFR 1.98(a)(2) in that the information Disclosure Statement did not provide a legible copy of each of the references cited therein and a complete listing of said references to be considered.

The Examiner is informed that as per 37 CFR 1.98(d) a copy of a reference as specified in 37 CFR 1.98(a), listed in an information disclosure statement, is not required to be provided if the reference was previously submitted in an earlier application, said earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective

filing date under 35 U.S.C.120, and the information disclosure statement submitted in the earlier application complies with 37 CFR 1.98(a)-(c).

The December 9, 2008 Information disclosure Statement, as well as the March 6, 2002 Information Disclosure Statement to which the December 9, 2008 Information Disclosure Statement was intended to correct properly identified each of the earlier applications from which the present application relies on for an earlier effective filing date under 35 U.S.C.120, and the information disclosure statements which submitted the cited references in each of the earlier applications each complied with 37 CFR 1.98(a)-(c). Therefore, the Examiner in accordance with 37 CFR 1.98(d) is required to consider the December 9, 2008 Information Disclosure Statement.

However, in order to expedite this matter applicants will file copies of the non-patent references. It is understood that the Examiner can easily obtain the patent references.

As per a previous interview with the Examiner each of the new independent claims as submitted by the present Amendment contains subject matter corresponding to claims of the earlier patents determined by the Board in the reexaminations to be patentable over Telenor and Zabarsky, as well as other references of record. The Examiner's attention is directed to the Board's decisions in the reexaminations of earlier U.S. Patent Nos. 5,436,960 (Control No. 90/006,675), 5,631,946 (Control No. 90/006,492) and 5,625,670 (Control No. 90/006,491). Attached for the Examiner's reference is a chart showing the reexamination history for each of the earlier patents and providing a listing of the claims for each patent determined by the Board to be patentable. In the decisions by the Board for said earlier U.S. Patent Nos.

5,436,960 (Control No. 90/006,675), 5,631,946 (Control No. 90/006,492) and 5,625,670 (Control No. 90/006,491), the Board provided their reasoning as to why some of the patent claims were patentable and why some of the new claims added during the reexamination were allowed. The reasoning applies as well to the new claims of the present amendment.

Specifically, the new claims as submitted by the present amendment were drafted as follows:

(1) New independent Claims 266 and 270 include all of the limitations of confirmed patent claim 11 of U.S. Patent No. 5,436,960 with the addition of further limitations regarding a wireless device for use in the system as described in claim 11 of U.S. Patent No. 5,436,960. It should be noted that the preamble of each of the wireless device claims limits the device to a system as defined,

(2) New independent Claims 268 and 272 include all of the limitations of confirmed patent claim 17 of U.S. Patent No. 5,436,960 with the addition of further limitations regarding a wireless device for use in the system as described in claim 17 of U.S. Patent No. 5,436,960. As stated above it should be noted that the preamble of each of the wireless device claims limits the device to a system as defined,

(3) New independent Claim 274 includes all of the limitations of confirmed patent claim 34 of U.S. Patent No. 5,436,960 with the addition of further limitations regarding a computer program for execution by a processor in the system as described in claim 34 of U.S. Patent No. 5,436,960,

(4) New independent Claim 276 includes all of the limitations of confirmed patent claim 67 of U.S. Patent No. 5,436,960 with the addition of

further limitations regarding a computer program for execution by a processor in the system as described in claim 67 of U.S. Patent No. 5,436,960,

(5) New Claims 292-322 are the same as allowed claims 289, 296-305, 307-309, 314-329 and 333 of U.S. Patent No. 5,631,946, respectively, thereby transferring these claims to the present application, said claims 289, 296-305, 307-309, 314-329 and 333 of U.S. Patent No. 5,631,946 will be canceled from the reexamination once allowance of the present application has been confirmed, and

(6) New Claims 323-326 are the same as allowed claims 567-570 of U.S. Patent No. 5,625,670, respectively, thereby transferring these claims to the present application, said claims 567-570 of U.S. Patent No. 5,625,670 will be canceled from the reexamination once allowance of the present application has been confirmed.

As discussed during the previous interview the present amendment is being filed to expedite the prosecution of the present application to permit early allowance thereof by replacing the prior pending independent claims with new independent claims that recite all of the limitations of the confirmed patent claims with further limitations regarding a wireless device and a computer program, and by transferring the allowed claims from each of U.S. Patent Nos. 5,631,946 and 5,625,670 to the present application.

Thus, since each of the new claims, particularly the new independent claims and the transferred claims, as submitted by the present Amendment contains subject matter determined by the Board to be patentable over Telenor and Zabarsky, as well as the other references of record, the same reasons for confirmation of the patentability of the patent claims and the

allowed claims of the of earlier U.S. Patent Nos. 5,436,960 (Control No. 90/006,675), 5,631,946 (Control No. 90/006,492) and 5,625,670 (Control No. 90/006,491) apply as well to each of the new claims submitted by the present amendment. These reasons, as well as additional reasons for patentability, also apply to the claims depending from the new independent claims since they are dependent claims incorporating all of the limitations of their respective independent claims.

Therefore, the 35 USC 102(b) rejection of the claims based on Telenor and the 35 USC 102(b) rejection of others of the claims based on Zabarsky are overcome and should be withdrawn. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

Regarding support for the amendments made to claims 100-102, 108-112, 118-125, 160, 164-168, 235, 237 and 238, the following is provided:

Several common amendments to each of these claims such as changing the term "system" to "wireless device" or "computer program", changing the term "wireless system" to "RF information transmission network", changing the term "wireless device" to "RF receiver", and changing the term "processor" to "gateway switch" were made to avoid any improper references since the new independent claims use these terms;

The present application and the earlier U.S. Patent Nos. 5,436,960 (Control No. 90/006,675), 5,631,946 (Control No. 90/006,492) and 5,625,670 (Control No. 90/006,491) each share the very same disclosure including specification, drawings and appendix;

As to support for "wireless device" attention is directed to page 47, lines 1-10 of the specification, further it should be noted that canceled claim

258, which has already been examined by the Examiner, is directed to a “wireless device”;

As to support for “computer program” attention is directed to the Substitute Appendix of the specification, further it should be noted that canceled claim 234, which has already been examined by the Examiner, is directed to a “computer program”;

As to support for “RF information transmission network” attention is directed to page 46, line 4 and element 302 of Fig. 8 of the specification;

As to support for “RF receiver” attention is directed to page 46, line 31 and element 119 of Fig. 10 of the specification;

As to support for “gateway switch” attention is directed to page 46, line 22 and element 14 of Fig. 8 of the specification; and

As to support for all other features recited in these claims, particularly regarding the deletion of information and the adding of addresses of the interface switch or the destination processor to the originated information attention is directed to pages 11 and 12 of the Substitute Appendix and Fig. 11 and the corresponding descriptions in the specification.

Therefore, based on the above the amendments made to each of claims 100-102, 108-112, 118-125, 160, 164-168, 235, 237 and 238 are fully supported by the present application and each of the earlier U.S. Patent Nos. 5,436,960 (Control No. 90/006,675), 5,631,946 (Control No. 90/006,492) and 5,625,670 (Control No. 90/006,491) at their time of filing in the U.S Patent and Trademark office.

In view of the foregoing amendments and remarks, applicants submit that claims 100-102, 108-112, 118-125, 160, 164-168, 235, 237, 238 and 266-

326 are in condition for allowance. Accordingly, early allowance of claims 100-102, 108-112, 118-125, 160, 164-168, 235, 237, 238 and 266-326 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of BRUNDIDGE & STANGER, P.C., Deposit Account No. 50-4888 (780.29643CX5).

Respectfully submitted,

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